

REMARKS

I. Amendments to the Claims:

Claims 10-13, 18-20, and 22-39 were allowed in the instant application (*see*, Notice of Allowability).

Claims 40-51 are newly added. Claims 40-46 are dependent claims of allowed claim 10 reciting each member of the Markush group of claim 10. Claims 47-51 are dependent claims of allowed claim 13 reciting each member of the Markush group of claim 13. No new matter has been added by way of these amendments to the claims.

II. Request to Change Attorney Docket Number and add Customer Number:

The Notice of Allowance (**Attachment A**) and the Patent Application Information Retrieval (PAIR) System (**Attachment B**), both incorrectly state that the Attorney Docket No. for the instant application is 9725-005. Applicants respectfully request that the Attorney Docket No. for the above-referenced application be corrected from 9725-005 to **289550-122US2**.

PAIR also does not provide a Customer Number for the instant application (*see*, **Attachments B and C**). Applicants respectfully request that PAIR be updated to indicate that the Customer Number for this application is **28089**.

III. Request to Correct Priority Data:

Applicants note that although the filing receipt mailed June 19, 2001 correctly identifies the priority data for the instant application, PAIR only provides part of the priority data for the instant application (**Attachment C**).

Applicants state that the correct priority data for this application is as follows: the instant application is a continuation-in-part (CIP) of PCT/US00/28595, filed October 16, 2000, which claims the benefit of U.S. Provisional Application No. 60/159,763, filed October 15, 1999.

Applicants respectfully request that the patent that issues from the instant application issue with the correct priority data.

IV. Clarification:

Applicants inadvertently incorporated a section in the Amendment and Response filed February 4, 2004, referring to an obviousness-type double patenting rejection over U.S. Serial No. 09/214,645.

Applicants respectfully assert that this was a clerical error, and there was never any double patenting rejection in this case over U.S. Serial No. 09/214,645.

V. Request for Initialing Supplemental Information Disclosure Statement:

Applicants note that the PTO Form-1449 filed with the Supplemental Information Disclosure Statement of March 15, 2004 (**Attachment D**) was not initialed by the Examiner. Applicants respectfully request that the Examiner initial and return the PTO Form-1449, if the references cited therein had been considered by the Examiner.

VI. Petition To Correct Inventorship pursuant to 37 C.F.R. § 1.48(b):

Attached herewith as **Attachment E** is a petition to correct inventorship in this application to delete Paul B. Marshall as a co-inventor.

Applicants respectfully request that the patent that issues from this application issue with the correct inventorship.

CONCLUSION

Upon entry of the instant amendment, claims 10-13, 18-20, and 22-51 will be pending in the instant application. Claims 10-13, 18-20, and 22-39 have been allowed in the instant application.

If the Examiner believes that further discussion would be helpful, the Examiner is respectfully requested to telephone the undersigned attorney at (212) 937-7233.

Other than the fees associated with the Petition for Correction of Inventorship, no other fees are believed to be due in connection with this filing. However, if any fees are due, the Commissioner is hereby authorized to charge any fee(s) that may be necessary in this application to Deposit Account No. 08-0219, Order No. 289550-122US2.

Respectfully submitted,

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Date: February 3, 2005

By:



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Registration No. 42,812
Attorney for Applicants

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APPL. NO.: 09/837,235
AMDT. UNDER 37 C.F.R. § 1.312
AMDT. DATED FEBRUARY 3, 2005
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DOCKET NO. 289550-122 US2

ATTACHMENT A

A copy of page 1 of the Notice of Allowance and Fee(s) due in the instant application.

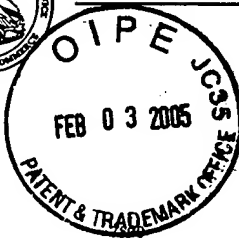


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NOTICE OF ALLOWANCE AND FEE(S) DUE

11/17/2004

Jane M. Love, Ph.D.
 Hale and Dorr LLP
 300 Park Avenue
 New York, NY 10022

EXAMINER

SAIDHA, TEKCHAND

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 11/17/2004

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 09/837,235 | 04/18/2001 | Christopher P. Marshall | 9725-005 | 1399 |

TITLE OF INVENTION: STABILIZED PROTEINS

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES | \$685 | \$300 | \$985 | 02/17/2005 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151: THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

WILMER CUTLER PICKERING
 HALE AND DORR LLP DOCKETING
 RE: 289550.122452
 Action Date: 4/17/05
 Action to be taken: Issue Fee
 Docketed By: MSH On: 4/22/05

ATTACHMENT B

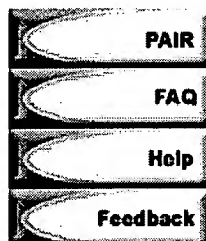
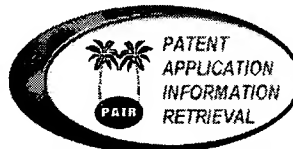
Attached is a copy of a print out from PAIR for the instant application showing that it has an incorrect Attorney Docket Number and no Customer Number.



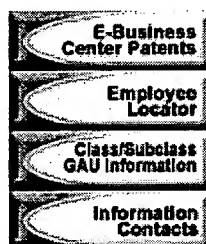
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Printer Friendly Version

Search results as of: 1-12-2005::16:4t

| Search results for application number:09/837,235 | | | |
|--|---|----------------------------|---|
| Application Number: | 09/837,235 | Customer Number: | |
| Filing or 371(c) Date: | 04-18-2001 | Status: | Allowed -- Notice of Allowance Mailed -- Issue Revision Completed |
| Application Type: | Utility | Status Date: | 11-17-2004 |
| Examiner Name: | SAIDHA, TEKCHAND | Location: | ELECTRONIC |
| Group Art Unit: | 1652 | Location Date: | - |
| Confirmation Number: | 1399 | Earliest Publication No: | US 2002-0061549 A1 |
| Attorney Docket Number: | 9725-005 | Earliest Publication Date: | 05-23-2002 |
| Class/ Sub-Class: | 530/350 | Patent Number: | - |
| First Named Inventor: | Christopher Marshall, Brooklyn, NY (US) | Issue Date of Patent: | - |
| Title Of Invention: | STABILIZED PROTEINS | | |

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Continuity Data
Image File Wrapper
Patent Term Adjustment History
Published Documents

Search

| File History | |
|--------------|---|
| Date | Contents Description |
| 12-10-2004 | Sequence Forwarded to Pubs on Tape |
| 12-01-2004 | Workflow - File Sent to Contractor |
| 11-17-2004 | Mail Notice of Allowance |
| 11-15-2004 | Issue Revision Completed |
| 11-15-2004 | Notice of Allowance Data Verification Completed |
| 11-15-2004 | Notice of Allowability |
| 08-31-2004 | Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received |
| 09-13-2004 | Date Forwarded to Examiner |
| 08-31-2004 | Response after Non-Final Action |
| 08-31-2004 | Workflow incoming amendment IFW |
| 07-08-2004 | Mail Non-Final Rejection |

APPL. NO.: 09/837,235

DOCKET NO. 289550-122 US2

AMDT. UNDER 37 C.F.R. § 1.312

AMDT. DATED FEBRUARY 3, 2005

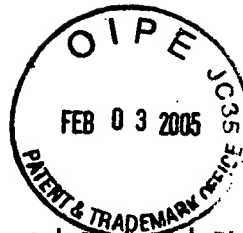
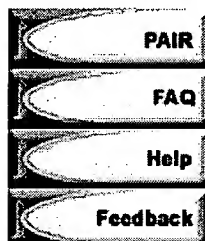
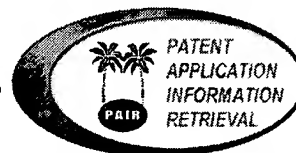
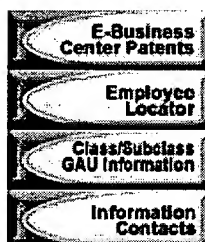
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ATTACHMENT C

Attached is a copy of a print out from PAIR for the instant application showing that it has incomplete priority information.



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| Search results for application number: 09/837,235 | | | |
|---|---|----------------------------|---|
| Application Number: | 09/837,235 | Customer Number: | |
| Filing or 371(c) Date: | 04-18-2001 | Status: | Allowed -- Notice of Allowance Issued -- Issue Revision Completed |
| Application Type: | Utility | Status Date: | 11-17-2004 |
| Examiner Name: | SAIDHA, TEKCHAND | Location: | ELECTRONIC |
| Group Art Unit: | 1652 | Location Date: | - |
| Confirmation Number: | 1399 | Earliest Publication No: | US 2002-0061549 A1 |
| Attorney Docket Number: | 9725-005 | Earliest Publication Date: | 05-23-2002 |
| Class/ Sub-Class: | 530/350 | Patent Number: | - |
| First Named Inventor: | Christopher Marshall, Brooklyn, NY (US) | Issue Date of Patent: | - |
| Title Of Invention: | STABILIZED PROTEINS | | |

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File History

Patent Term Adjustment History

Published Documents

| Parent Continuity Data | | | |
|--|---------------|------------------------------|-------------|
| Description | Parent Number | Parent Filing or 371(c) Date | Parent Stat |
| This application claims benefit of Provisional Application | 60/159,763 | 10-15-1999 | Abandoned |
| Child Continuity Data | | | |
| No Child Continuity Data Found. | | | |

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ATTACHMENT D

Attached is a copy of the PTO Form-1449 filed with the Supplemental IDS of March 15, 2004.

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ATTACHMENT E

Attached is a Petition to Correct Inventorship to delete Paul B. Marshall as a co-inventor of the instant application.